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10 Attorneys for Defendant,
11 ACCOUNTNOW, INC.

12 **UNITED STATES DISTRICT COURT**
13 **SOUTHERN DISTRICT OF CALIFORNIA**

14 RICHARD HALAVAIS, Individually and on
Behalf of All Other Similarly Situated,

15 Plaintiff,

16 vs.

17 ACCOUNTNOW, INC.,

18 Defendant.

Case No. 3:12-cv-01921-BEN-RBB
Hon. Roger T. Benitez

CLASS ACTION

**JOINT MOTION AND STIPULATION
FOR DISMISSAL OF CLASS CLAIMS
AND STAY OF CASE PENDING
ARBITRATION**

Action Filed: August 3, 2012

21 COME NOW Plaintiff Richard Halavais("Plaintiff") and Defendant AccountNow, Inc.
22 ("Defendant") (collectively, the "Parties") and, jointly recite and move for a stay of proceeding as
23 follows:

- 24 1. The parties agree that an arbitration agreement and class action waiver provision
25 exists in the Cardholder agreement between Plaintiff and Defendant;
- 26 2. Defendant desires to enforce the arbitration agreement, including its class action
27 waiver provision, and intended to move to compel the same in this case;

1 3. During the meet and confer process, Plaintiff agrees not to oppose the motion and
2 agrees to proceed to arbitration and on an individual basis only; accordingly

3 4. The parties hereby stipulate to an order i) compelling the parties to attend
4 arbitration; ii) enforcing the class action waiver in the arbitration agreement and dismissing the
5 claims of class members asserted in the Plaintiff's Complaint, without prejudice; and iii) staying
6 this action pending the outcome of arbitration.

7
8 **SO STIPULATED.**

9
10 DATED: September 19, 2012

SEVERSON & WERSON
A Professional Corporation

11
12
13 By: s/ Eric J. Troutman

Attorney for Defendant

AccountNow, Inc.

E-mail: ejt@severson.com

14
15
16 DATED: September 19, 2012

KAZEROUNIAN LAW GROUP

17
18
19 By: s/ Abbas Kazerounian

Attorney for Plaintiff

Richard Halavais

E-mail: ak@kazlg.com

SIGNATURE CERTIFICATION

Pursuant to Section 2(f)(4) of the Electronic Case Filing Administrative Policies and Procedures Manual, I hereby certify that the content of this document is acceptable to Abbas Kazerounian, counsel for Richard Halavais, and that I have obtained Mr. Kazerounian's authorization to affix his electronic signature to this document.

DATED: September 19, 2012

SEVERSON & WERSON
A Professional Corporation

By: s/ Eric J. Troutman
ERIC J. TROUTMAN
Attorneys for Defendant
AccountNow, Inc.

CERTIFICATE OF SERVICE

Halavais v. AccountNow, Inc. Bank, N.A.

USDC – Southern District Case No. 3:12-cv-01921-BEN-RBB

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Orange, State of California. My business address is The Atrium, 19100 Von Karman Avenue, Suite 700, Irvine, CA 92612.

On September 19, 2012, I served true copies of the following document(s):

**JOINT MOTION AND STIPULATION FOR DISMISSAL OF CLASS CLAIMS
AND STAY OF CASE PENDING ARBITRATION**

on the interested parties in this action as follows:

Abbas Kazerounian, Esq.
S. Mohammad Kazerouni, Esq.
Assal Assassi, Esq.
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BY CM/ECF NOTICE OF ELECTRONIC FILING: I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on September 19, 2012, at Irvine, California.

s/ Eric J. Troutman
Eric J. Troutman